

AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Scott Blair

v.

Alstom Transportation, Inc. and Kawasaki Rail
Car, Inc.

Case No.: 1:16-cv-03391-PAE-JLC

BILL OF COSTS

Judgment having been entered in the above entitled action on 08/06/2020 against Scott Blair,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
<i>See Receipts and Objections</i> Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	<u>116.40 - 2,470.25</u>
Fees and disbursements for printing	_____
Fees for witnesses (itemize on page two)	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	13,155.31 ✓
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	_____
<i>DONE ON SUBMISSION OBJECTION FILED</i>	
TOTAL	\$ <u>15,625.56</u>
	<u>13,271.71</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: s/ Armin GhiamName of Attorney: Armin GhiamFor: Kawasaki Rail Car, Inc.
Name of Claiming PartyDate: 09/09/2020

Taxation of Costs

Costs are taxed in the amount of \$13,271.71 and included in the judgment.RUBY T. KRATJEK
Clerk of CourtBy: [Signature]

Deputy Clerk

Date: 10/5/2020

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NOTICE

"Sec. 1924. Verification of bill of costs."

See also Section 1920 of Title 28, which reads in part as follows:

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

Plaintiff,

v.

ALSTOM TRANSPORTATION, INC. and
KAWASAKI RAIL CAR, INC.,

Defendants.

C.A. No. 1:16-cv-03391-PAE-JLC

DECLARATION OF SHEILA MORTAZAVI IN SUPPORT OF
KAWASAKI RAIL CAR, INC.'S APPLICATION FOR COSTS AGAINST PLAINTIFF

I, Sheila Mortazavi, declare as follows:

1. I am a partner with the law firm Hunton Andrews Kurth LLP, and lead counsel of record for Kawasaki Rail Car, Inc. ("Kawasaki") in this action, as well as in two related *inter partes* review ("IPR") proceedings (IPR2017-00117 and IPR2017-01036) before the U.S. Patent and Trademark Office's Patent Trial and Appeal Board ("PTAB"), and the appeal of IPR2017-00117 before the U.S. Court of Appeals for the Federal Circuit (No. 18-2098). I am fully familiar with the facts and circumstances of this action.
2. I submit this declaration in support of Kawasaki Rail Car, Inc.'s Bill of Costs, which requests that the Clerk tax \$15,625.56 in costs against plaintiff, Scott Blair, pursuant to Fed. R. Civ. P. Rule 54, Local Rule 54.1, 28 U.S.C. § 1920, and the Court's Opinion and Order dated August 5, 2020 (D.I. 127 at 18), which directed Kawasaki "to present its bill of costs to the Clerk within 30 days of the entry of final judgment by this Court, or, if Blair appeals, within 30 days of the final disposition of Blair's appeal."

3. The Court entered final judgment on August 6, 2020. (D.I. 128).

4. Kawasaki seeks a total of \$15,625.56 in taxable costs, as indicated on the Bill of Costs and further itemized below. I declare that these costs are correct and were necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

5. Plaintiff filed this action on May 5, 2016, asserting a cause of action for alleged patent infringement. (D.I. 1). Kawasaki challenged the validity of the asserted patent claims in IPR2017-00117 and IPR2017-01036, and moved the Court to stay this case pending the outcome of those IPR proceedings. The Court held oral argument on the stay motion on June 5, 2017. At the conclusion of the hearing, Judge Engelmayer orally ruled on the stay motion and granted the stay, indicated that a written order would not follow, and invited the parties to purchase the transcript. A copy of the salient portions from the June 5, 2017 hearing is attached as Exhibit A. Kawasaki ordered the June 5, 2017 hearing transcript in accordance with Judge Engelmayer's directive (*see* Ex. A at 53:3-8). Kawasaki is entitled to this cost in the amount of **\$116.40** as the prevailing party. A true copy of the invoice from the court stenographer, Southern District Reporters PC, is attached as Exhibit B.

6. While this case was stayed, the U.S. Patent Office held that all of the asserted patent claims challenged in IPR2017-00117 and IPR2017-01036 were unpatentable. The Final Written Decisions from IPR2017-00117 and IPR2017-01036 are attached as Exhibits C-D, respectively. Plaintiff appealed the decision in IPR2017-00117, but the U.S. Court of Appeal for the Federal Circuit summarily affirmed. Plaintiff did not appeal the decision in IPR2017-01036.

7. On December 9, 2019, Kawasaki filed a Motion for Judgment on the Pleadings, a Finding of Exceptional Case, and Attorneys' Fees and Costs Pursuant to 35 U.S.C. § 285 and

Fed. R. Civ. P. 54(d), as well as a supporting memorandum and declarations. (D.I. 106-111). Kawasaki's motion, *inter alia*, sought to dismiss this case based on the Final Written Decisions in IPR2017-00117 and IPR2017-01036 finding the asserted patent claims unpatentable as obvious. The Court granted Kawasaki's motion for judgment on the pleadings and dismissed the case on August 5, 2020, and found that Kawasaki is entitled to taxable costs as the prevailing party. (D.I. 127 at 1). The Final Written Decisions that were attached as exhibits L and O to the Declaration of Zaed Billah in support of Kawasaki's motion for judgment on the pleadings (D.I. 108)¹, and which were cited by the Court in its Opinion and Order as the basis for dismissal of this case (*see* D.I. 127 at 8), specifically cite the following deposition transcripts that were necessarily obtained for use in this case pursuant to 28 U.S.C. § 1920(2):

- a. Lowell Malo – Mr. Malo provided an expert declaration in IPR2017-00117. He was deposed on November 28, 2017. In its Final Written Decision, the PTAB considered the issue of whether there was a reasonable expectation of success in combining prior art references. (Ex. C at 28-29). Regarding this issue, the PTAB expressly relied on Mr. Malo's deposition testimony in finding the challenged claims unpatentable as obvious. (*Id.*). Kawasaki is therefore entitled to this cost in the amount of **\$786.45**. A true copy of the invoice from the court stenographer, Veritext Legal Solutions, is attached as Exhibit E.
- b. Joseph P. Zicherman - Mr. Zicherman provided expert declarations on behalf of Mr. Blair in IPR2017-01036. He was deposed on February 28, 2018 and again on April 13, 2018. The transcripts for these two depositions were cited by the PTAB

¹ For convenience, the PTAB Final Written Decisions that were attached as exhibits L and O to the Declaration of Zaed Billah in support of Kawasaki's motion are also attached to this Declaration as Exhibits C-D.

in its Final Written Decision as Exhibits 1035 and 1038. (Ex. D at 19, 22-23, 25-28, 44, 55). As indicated therein, the PTAB relied on Mr. Zicherman's testimony in considering various issues pertaining to whether the challenged claims were unpatentable as obvious. (*Id.*). Kawasaki is entitled to the cost of these transcripts, in the amount of **\$1138.80** for the February 28, 2018 deposition and **\$428.60** for the April 13, 2018 deposition. True copies of the invoices from the court stenographer, Veritext Legal Solutions, are attached as Exhibits F-G.

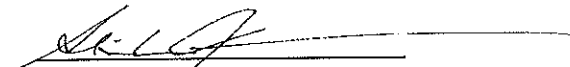
8. Kawasaki is also entitled to \$13,155.31 as “costs of making copies of any materials where the copies are necessarily obtained for use in the case” pursuant to 28 U.S.C. § 1920(4). Attached as Exhibits H-I are two invoices in Japanese (along with their certified English translations) that were billed directly to Kawasaki's corporate parent, Kawasaki Heavy Industries, Ltd., by FRONTEO, Inc. (“FRONTEO”). FRONTEO is a vendor that provides discovery services, including document copying and scanning, production, e-discovery, and other related services. Kawasaki seeks a portion of the invoiced amounts (for items designated as “documents scanning” and “production”) which relate to costs incurred for the production of documents that the Court ordered the parties to complete when the Court granted the stay motion. (Ex. A at 57:10-11). These scanning and production costs were incurred in response to Blair's document requests (attached as Exhibits J-K), which specifically requested an electronic production. The scanned documents were produced to plaintiff as KAWASAKI_003384 through KAWASAKI_041478. The amounts invoiced by FRONTEO were converted from Japanese yen to U.S. dollars using the applicable exchange rate for each of the invoiced dates, attached as Exhibit L. The total amount sought for this category for is **\$13,155.31**, which includes:

- a. **\$1616.73** for electronic production costs (the equivalent of 176,547 ¥ indicated on the August 10, 2017 invoice using a 109.2 ¥/\$ exchange rate); and
- b. **\$11,538.58** for document scanning costs. The total scanning costs were \$31,073.76, including 1,366,120 ¥ (\$12,510.26 using a 109.2 ¥/\$ exchange rate) on the July 6, 2017 invoice and 2,101,759 ¥ (\$18,563.50 using a 113.22 ¥/\$ exchange rate) on the August 10, 2017 invoice. Because not all of the pages that were scanned by FRONTEO were produced, Kawasaki has prorated the scanning costs, and seeks only the amount associated with documents actually produced: of the 102,591 pages scanned, 38,095 pages (or approximately 37.13%) were produced.

9. It is respectfully requested that the Clerk issue an Order granting Kawasaki's requested costs in the amount of \$15,625.56.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2020


Sheila Mortazavi

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Armin Ghiam

Exhibit B

Invoice**SOUTHERN DISTRICT REPORTERS PC**

Tax ID No. 13-2775946

500 Pearl St.
Room 330
New York, NY 10007
Tel No. (212) 805-0300INVOICE NO.: 0484741-IN
INVOICE DATE: 06/23/17CUSTOMER NO.: 1026115
WORK ORDER NO.: 180062
SALESPERSON: CSIWAndrews & Kurth LLP
1801 Page Mill Rd
Suite 210
Alto, CA 94304
Attention: Liberty Quan***PAYMENT IS DUE UPON RECEIPT***JOB DATE SCOTT BLAIR V ALSTOM, ET AL.
CASE NO. 16CV03391

6/5/2017 Original 60.00 Pages at \$1.94 116.40

PAIDCK. NO. AmEx
DATE 6/23/17

Net Invoice:	116.40
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	116.40

**WE ACCEPT VISA, MASTERCARD, AMERICAN EXPRESS AND DISCOVER
PLEASE MAKE CHECK PAYABLE TO SOUTHERN DISTRICT REPORTERS PC**

Less Deposit:	116.40
Invoice Balance:	0.00

Exhibit E

**Veritext Corp
New York Region**

330 Old Country Rd., Suite 300
Mineola NY 11501
Tel. (516) 608-2400 Fax. (516) 608-2450
Fed. Tax ID: 20-3132569



Bill To: Zaed M. Billah, Esq.
Andrews Kurth, LLP
1 Broadway
New York, NY, 10004

Ok + pay
Zaed Billah, 12/19/17
Zaed Billah

Invoice #: NY3175500
Invoice Date: 12/6/2017
Balance Due: \$2,269.75

Case: Kawasaki Rail Car, Inc. v. Scott Blair
Job #: 2761960 | **Job Date:** 11/28/2017 | **Delivery:** Normal
Billing Atty: Zaed M. Billah, Esq.
Location: Andrews Kurth LLP
One Broadway | Battery Park - 10th Floor | New York, NY 10004
Sched Atty: Darius Keyhani, Esq. | Meredith & Keyhani, PLLC

Total + Bill 256019-
\$1,515.95

Total + Bill 264805
\$753.80

Witness	Description	Amount
Lowell Malo, (00117) 256019	Transcript Services	\$786.45
	Exhibit Management	\$141.00
	Realtime Services	\$344.25
	Rough Draft	\$229.50
Lowell Malo, (01036) 264805	Transcript Services	\$363.30
	Exhibit Management	\$143.25
	Realtime Services	\$139.50
	Rough Draft	\$93.00
	Delivery and Handling	\$29.50
Notes:		
		<i>split 50-50 265019 + 264805</i>
		Invoice Total: \$2,269.75
		Payment: \$0.00
		Credit: \$0.00
		Interest: \$0.00
		Balance Due: \$2,269.75

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

To pay online, go to
www.veritext.com

Veritext accepts all major credit cards
(American Express, Mastercard, Visa, Discover)

Please remit payment to:
Veritext
P.O. Box 71303
Chicago IL 60694-1303

Invoice #: NY3175500
Job #: 2761960
Invoice Date: 12/6/2017
Balance: \$2,269.75

Not allowed
\$ 0
Appt w. 9th
06/20/2017

Exhibit F

Veritext Corp
New York Region

330 Old Country Rd., Suite 300
 Mineola NY 11501
 Tel. (516) 608-2400 Fax. (516) 608-2450
 Fed. Tax ID: 20-3132569



Bill To: Armin Ghiam Esq.
 Andrews Kurth, LLP
 1 Broadway
 New York, NY, 10004

Invoice #: NY3272781
Invoice Date: 3/13/2018
Balance Due: \$2,430.37

Case: Kawasaki Rail Car, Inc. v. Scott Blair
Job #: 2826365 | Job Date: 2/28/2018 | Delivery: Normal
Billing Atty: Armin Ghiam Esq.
Location: Meredith & Keyhani
 205 Main Street | East Aurora, NY 14052
Sched Atty: | Andrews Kurth, LLP

Witness	Description	Amount
Joseph B. Zicherman	Transcript Services	\$1,138.80
	Professional Attendance	\$170.00
	Exhibit Management	\$270.35
	Realtime Services	\$441.00
	Rough Draft	\$294.00
	Expenses	\$64.20
	Delivery and Handling	\$52.02
Notes: Mileage Billed at Cost		
		Invoice Total \$2,430.37
		Payment \$0.00
		Credit \$0.00
		Debit \$0.00
		Balance Due \$2,430.37

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

*NOT allowed
 & O
 Agree with
 08/03/2018*

To pay online, go to
www.veritext.com

Veritext accepts all major credit cards
 (American Express, Mastercard, Visa, Discover)

Please remit payment to:
Veritext
P.O. Box 71303
Chicago IL 60694-1303

Invoice #: NY3272781
Job #: 2826365
Invoice Date: 3/13/2018
Balance: \$2,430.37

Exhibit G

Matter: 264805**Veritext Corp
New York Region**330 Old Country Rd., Suite 300
Mineola NY 11501
Tel. (516) 608-2400 Fax. (516) 608-2450
Fed. Tax ID: 20-3132569**Bill To:** Zaed M. Billah Esq.
Andrews Kurth, LLP
1 Broadway
New York, NY, 10004**Invoice #:** NY3318560
Invoice Date: 4/23/2018
Balance Due: \$1,291.12**Case:** Kawasaki Rail Car, Inc. v. Scott Blair
Job #: 2876230 | **Job Date:** 4/13/2018 | **Delivery:** Expedited
Billing Atty: Zaed M. Billah Esq.
Location: Meredith & Keyhani
205 Main Street | East Aurora, NY 14052
Sched Atty: Zaed M. Billah Esq. | Andrews Kurth, LLP

Witness	Description	Amount
Joseph B. Zicherman	Transcript Services	\$428.60
	Transcript - Expedited Fee	\$262.88
	Professional Attendance	\$85.00
	Exhibit Management	\$165.75
	Realtime Services	\$139.50
	Rough Draft	\$93.00
	Expenses	\$64.20
	Delivery and Handling	\$52.19
Notes:		Invoice Total: \$1,291.12 Payment: \$0.00 Credit: \$0.00 Interest: \$0.00 Balance Due: \$1,291.12
<small>TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult http://www.veritext.com/services/all-services/services-information</small>		

Siz
Please proceed
for Zaed
Billah Esq. Matter
264805
and work - androg

[Signature]

NOT ALLOWED
80
Agrees with
OBJECTIONS

**To pay online, go to
www.veritext.com**Veritext accepts all major credit cards
(American Express, Mastercard, Visa, Discover)**Please remit payment to:**
Veritext
P.O. Box 71303
Chicago IL 60694-1303**Invoice #:** NY3318560
Job #: 2876230
Invoice Date: 4/23/2018
Balance: \$1,291.12

Exhibit H

請求書

発行日	2017/07/06
請求書番号	005-010-2017-0504

※株式会社UBICは、7月1日付で
「株式会社FRONTEO」に社名を変更いたしました。

川崎重工業株式会社

御中

下記の通り、ご請求申し上げます。

単位:円

合計	5,099,023
----	-----------

* 振込手数料はお客様のご負担でお願い致します。

御支払期日	2017/08/31
振込口座	三菱東京UFJ銀行 品川駅前支店 普通2034628
口座名	株式会社FRONTEO 77071 77071

件名	2017年6月度
case #	S1704014
御見積書番号	005-009-2017-0431



株式会社FRONTEO
(旧社名: 株式会社UBIC)

〒108-0075

東京都港区港南2-12-23
明産高浜ビル7F

TEL: 03-5463-7577 FAX: 03-5463-7578

発行者: 増井 怜美

作業完了日	内容	価格	摘要
	コンサルティング		
	データ保全		
	データプロセス		
2017/06/30	データホスティング	1,569,050	
	プロダクション		
	翻訳		
2017/06/30	ドキュメントスキャン	1,366,120	
2017/06/30	ドキュメントレビュー	1,571,500	
2017/06/29	その他	97,500	
小計		4,604,170	
消費税		368,333	

発生日	経費項目	金額	摘要
2017/06/16	運送費	93,068	紙資料ダンボール24箱
2017/06/22	運送費	33,452	紙資料ダンボール8箱
小計		126,520	

備考

Invoice

Date of Issue	July 06, 2017
Invoice number	005-010-2017-0504

* On July 1, UBIC KK changed its company name to "FRONTEO KK"

To: Kawasaki Heavy Industries, Ltd.

Your invoice is as follows.

Unit: Yen

Total	5,099,023
--------------	------------------

* Bank transfer fees are to be covered by the client.

[Signatory Seal]

FRONTEO KK

(Former company name: UBIC KK)

ZIP: 106-0075

Meisan Takahama Building 7F

2-12-23 Konan, Minato-ku, Tokyo-to

TEL: 03-5463-7577 FAX: 03-5463-7578

Issuer: Tomomi Masui

Payment due date	August 31, 2017
Bank account	MUFG Bank, LTD., Shinagawa-Ekimae Branch, Saving account:2034628
Account name	FRONTEO Inc. Katakana notation: ka) furonteo

Subject	June 2017
Case #	S1704014
Quote number	005-009-2017-0431

Work completion date	Particulars	Price	Remarks
	Consulting		
	Data safety		
	Data processing		
June 30, 2017	Data hosting	1,569,050	
	Production		
	Translation		
June 30, 2017	Document scanning	1,366,120	\$12,510.26 - See Mortazavi Decl. para. 8(b)
June 30, 2017	Document review	1,571,500	
June 29, 2017	Other	97,500	
Subtotal		4,604,170	
Consumption tax		368,333	

Effective date	Expense item	Amount	Remarks
June 16, 2017	Freight	93,068	Paper material, 24 cardboard boxes
June 22, 2017	Freight	33,452	Paper material, 8 cardboard boxes
Subtotal		126,520	

Notes



1001 Fourth Ave., Suite 3200 mail@PatentTranslations.com
Seattle, WA 98154, U.S.A. www.PatentTranslations.com
Fax: 206-382-9648 Phone: 206-684-9312

VERIFICATION AND CERTIFICATION OF TRANSLATION

Document translated: Invoice (June 2017_S1704014) Kawasaki Heavy Industries, Ltd.

This is to certify that the document mentioned above was translated into English by Patent Translations Inc., and represents an accurate and faithful rendition of the original text to the best of my knowledge and belief.

Martin Cross
President, Patent Translations Inc.
12/6/2019

Exhibit I

請求書

発行日	2017/08/10
請求書番号	005-010-2017-0737

※株式会社UBICは、7月1日付で
「株式会社FRONTEO」に社名を変更いたしました。

川崎重工業株式会社

御中

下記の通り、ご請求申し上げます。

単位:円

合計	10,503,564
----	------------

* 振込手数料はお客様のご負担をお願い致します。

御支払期日	2017/09/30
振込口座	三菱東京UFJ銀行 品川駅前支店 普通2034628
口座名	株式会社FRONTEO 株式会社 川崎重工業

件名	2017年7月度
case#	S1704014
御見積書番号	005-009-2017-0538



株式会社FRONTEO
(旧社名: 株式会社UBIC)

〒108-0075

東京都港区港南2-12-23
明産高浜ビル7F

TEL: 03-5463-7577 FAX: 03-5463-7578

発行者: 増井 怜美

作業完了日	内容	価格	摘要
	コンサルティング		
2017/07/21	データ保全	168,500	
	データプロセス		
2017/07/31	データホスティング	1,663,600	
2017/07/29	プロダクション	176,547	
	翻訳		
2017/07/26	ドキュメントスキャン	2,101,759	
2017/07/19	ドキュメントレビュー	4,830,000	
2017/07/30	その他	615,000	
小計		9,555,406	
消費税		764,432	

発生日	経費項目	金額	摘要
	実費経費	183,726	※別紙参照
小計		183,726	

備考

Invoice

Date of Issue	August 10, 2017
Invoice number	005-010-2017-0737

* On July 1, UBIC KK changed its company name to "FRONTEO KK"

To: Kawasaki Heavy Industries, Ltd.

Your invoice is as follows.

Unit: Yen

Total	10,503,564
--------------	-------------------

* Bank transfer fees are to be covered by the client.

[Signatory Seal]

FRONTEO KK

(Former company name: UBIC KK)

ZIP: 108-0075

Meisan Takahama Building 7F

2-12-23 Konan, Minato-ku, Tokyo-to

TEL: 03-5463-7577 FAX: 03-5463-7578

Issuer: Tomomi Masui

Payment due date	September 30, 2017
Bank account	MUFG Bank, LTD., Shinagawa-Ekimae Branch, Savings account: 2034628
Account name	FRONTEO Inc. Katakana notation: ka) furonteo

Subject	July 2017
Case #	S1704014
Quote number	005-009-2017-0538

Work completion date	Particulars	Price	Remarks
	Consulting		
July 21, 2017	Data safety	168,500	
	Data processing		
July 31, 2017	Data hosting	1,663,600	
July 29, 2017	Production	176,547	\$1,616.73 - See Mortazavi Decl. para. 8(a)
	Translation		
July 26, 2017	Document scanning	2,101,759	\$18,563.50 - See Mortazavi Decl. para. 8(b)
July 19, 2017	Document review	4,830,000	
July 30, 2017	Other	615,000	
Subtotal		9,555,406	
Consumption tax		764,432	

Effective date	Expense item	Amount	Remarks
	Actual costs	183,726	*See attachment
Subtotal		183,726	

Notes

Date	For	Amount	Notes
July 10, 2017	Freight	¥126,520	Binder
July 20, 2017	Taxi	¥410	FRONTEO → Shinagawa
July 20, 2017	Train	¥14,990	Shinagawa → Hyogo
July 20, 2017	Accommodation fee	¥4,400	Kobe Luminous Hotel
July 21, 2017	Taxi	¥760	Client → Hyogo
July 21, 2017	Train	¥15,190	Hyogo → Shinagawa
July 21, 2017	Taxi	¥410	Shinagawa → FRONTED
July 20 and 21, 2017	Daily allowance	¥5,600	For 2 days
July 25, 2017	Freight	¥3,183	FedEx
July 26, 2017	Freight	¥12,263	FedEx
	Total	¥183,726	

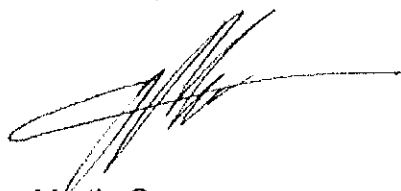


1001 Fourth Ave., Suite 3200 mail@PatentTranslations.com
Seattle, WA 98154, U.S.A. www.PatentTranslations.com
Fax: 206-382-9648 Phone: 206-684-9312

VERIFICATION AND CERTIFICATION OF TRANSLATION

Document translated: Invoice (July 2017_S1704014) Kawasaki Heavy Industries, Ltd.

This is to certify that the document mentioned above was translated into English by Patent Translations Inc., and represents an accurate and faithful rendition of the original text to the best of my knowledge and belief.



Martin Cross
President, Patent Translations Inc.
12/6/2019

Exhibit L

FIFW MSGA

Document screenshot_1575935817022.gif upload complete. FILE<GO> to view. MSGA<GO>

Actions		Currency Rates Matrix	
Basket	Major	<input checked="" type="radio"/> Last Price	Rate Spot
Source	BGN	<input type="radio"/> % Change	<input checked="" type="radio"/> Outrights <input type="radio"/> Points
		Date 07/06/17	
		<input checked="" type="checkbox"/> Heat Map	

10 Spot 11 Forward 12 Fixing

	USD	EUR	JPY	GBP	CHF	CAD	AUD	NZD	HKD	NOK	SEK
SEK	8.4423	9.6434	.07456	10.950	8.7900	6.5052	6.4046	6.1421	1.0809	1.0109	
NOK	8.3513	9.5394	.07376	10.832	8.6953	6.4351	6.3356	6.0759	1.0692		.98922
HKD	7.8105	8.9217	.06898	10.131	8.1322	6.0184	5.9253	5.6825		.93525	.92516
NZD	1.3745	1.5700	.01214	1.7828	1.4311	1.0591	1.0427		.17598	.16458	.16281
AUD	1.3182	1.5057	.01164	1.7098	1.3725	1.0157		.95902	.16877	.15784	.15614
CAD	1.2978	1.4824	.01146	1.6833	1.3512		.98453	.94419	.16616	.15540	.15372
CHF	.96045	1.0971	.00848	1.2458		.74007	.72862	.69876	.12297	.11501	.11377
GBP	.77096	.88064	.00681		.80271	.59406	.58487	.56090	.09871	.09232	.09132
JPY	113.22	129.33		146.86	117.88	87.243	85.894	82.374	14.496	13.557	13.411
EUR	.87545		.00773	1.1355	.91151	.67458	.66415	.63693	.11209	.10483	.10370
USD		1.1423	.00883	1.2971	1.0412	.77055	.75863	.72754	.12803	.11974	.11845

% Change on Day Range












Below -2.5% -0.5% to -2.5% -0.05% to -0.05% to 0.05% to 0.5% 0.5% to 2.5% Above 2.5%

Rates are from Composite where Bloomberg BGN is not available.

SN 541468 EST GMT-5:00 6819-3073-0 09-Dec-2019 18:57:13

Document screenshot_1575935771496.gif upload complete. FILE<GO> to view. MSGA<GO>

Actions		Currency Rates Matrix	
Basket	Majors	<input checked="" type="radio"/> Last Price	Rate Spot
Source	BGN	<input type="radio"/> % Change	<input checked="" type="radio"/> Outrights <input type="radio"/> Points
		Date 08/10/17	
		<input checked="" type="checkbox"/> Heat Map	

10) Spot	11) Forward	12) Fixing									
											
	USD	EUR	JPY	GBP	CHF	CAD	AUD	NZD	HKD	NOK	SEK
SEK	8.1352	9.5768	.07450	10.557	8.4515	6.3836	6.4067	5.9184	1.0406	1.0232	
NOK	7.9508	9.3597	.07281	10.317	8.2600	6.2389	6.2615	5.7842	1.0170		.97733
HKD	7.8176	9.2030	.07159	10.145	8.1216	6.1344	6.1566	5.6873		.98325	.96096
NZD	1.3746	1.6182	.01259	1.7837	1.4280	1.0786	1.0825		.17583	.17288	.16897
AUD	1.2698	1.4948	.01163	1.6478	1.3192	.99640		.92378	.16243	.15971	.15609
CAD	1.2744	1.5002	.01167	1.6537	1.3239		1.0036	.92712	.16301	.16028	.15665
CHF	.96257	1.1331	.00881	1.2491		.75532	.75805	.70027	.12313	.12107	.11832
GBP	.77062	.90719	.00706		.80059	.60470	.60689	.56063	.09858	.09692	.09473
JPY	109.20	128.56		141.71	113.45	85.692	86.001	79.446	13.969	13.735	13.424
EUR	.84947		.00778	1.1023	.88250	.66657	.66898	.61799	.10866	.10684	.10442
USD		1.1772	.00916	1.2977	1.0389	.78469	.78753	.72750	.12792	.12577	.12292

% Change on Day Range							
Below -2.5%	-0.5% to -2.5%	-0.05% to -0.05%	-0.05% to 0.05%	0.05% to 0.05%	0.05% to 0.5%	0.5% to 2.5%	Above 2.5%

Rates are from Composite where Bloomberg BGN is not available.

SN 541468 EST GMT-5:00 0819-3073-0 09-Dec-2019 10:56:32

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

Plaintiff,

v.

ALSTOM TRANSPORTATION, INC. and
KAWASAKI RAIL CAR, INC.,

Defendants.

C.A. No. 1:16-cv-03391-PAE-JLC

DEFENDANT KAWASAKI RAIL CAR, INC.'S
NOTICE OF APPLICATION FOR COSTS AGAINST PLAINTIFF

PLEASE TAKE NOTICE that, upon Defendant's Bill of Costs, the Declaration of Sheila Mortazavi dated September 8, 2020, and the exhibits annexed thereto, and all other pleadings and proceedings herein, Defendant will move this Court before the Orders and Judgment Clerk, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, Room 250, New York, NY 10007 on September 25, 2020 at 11:30 A.M. or, as soon thereafter as counsel may be heard, at a time and date to be determined as convenient for the Court, for an order pursuant to Rule 54 of the Federal Rules of Civil Procedure, Local Civil Rule 54.1, and 28 U.S.C. § 1920, granting fees and costs sought by Defendant and granting such other relief that this Court deems proper.

Dated: September 9, 2020

Respectfully submitted,

/s/ Armin Ghiam

Sheila Mortazavi

Zaed M. Billah

Armin Ghiam

HUNTON ANDREWS KURTH LLP

200 Park Avenue

New York, NY 10166

Telephone: (212) 309-1000

Facsimile: (212) 309-1100

Attorneys for Defendant

Kawasaki Rail Car Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Armin Ghiam

AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Scott Blair

v.

Alstom Transportation, Inc. and Kawasaki Rail
Car, Inc.

Case No.: 1:16-cv-03391-PAE-JLC

BILL OF COSTS

Judgment having been entered in the above entitled action on 08/06/2020 against Scott Blair,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
<i>SEE RECEIPTS AND OBJECTIONS</i> Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	<i>116.40</i> 2,470.25
Fees and disbursements for printing	_____
Fees for witnesses (itemize on page two)	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	13,155.31
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	_____
<i>DONE ON SUBMISSION OBJECTION FILED</i>	
TOTAL	\$ 15,625.56

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: s/ Armin GhiamName of Attorney: Armin Ghiam

For: Kawasaki Rail Car, Inc.
Name of Claiming Party

Date: 09/09/2020

Taxation of Costs

Costs are taxed in the amount of \$13,271.71 and included in the judgment.

RUBY J. KRATIER
Clerk of Court

By: _____

Deputy Clerk10/5/2020
Date

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NOTICE

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

Plaintiff,

v.

ALSTOM TRANSPORTATION, INC. and
KAWASAKI RAIL CAR, INC.,

Defendants.

C.A. No. 1:16-cv-03391-PAE-JLC

DECLARATION OF SHEILA MORTAZAVI IN SUPPORT OF
KAWASAKI RAIL CAR, INC.'S APPLICATION FOR COSTS AGAINST PLAINTIFF

I, Sheila Mortazavi, declare as follows:

1. I am a partner with the law firm Hunton Andrews Kurth LLP, and lead counsel of record for Kawasaki Rail Car, Inc. ("Kawasaki") in this action, as well as in two related *inter partes* review ("IPR") proceedings (IPR2017-00117 and IPR2017-01036) before the U.S. Patent and Trademark Office's Patent Trial and Appeal Board ("PTAB"), and the appeal of IPR2017-00117 before the U.S. Court of Appeals for the Federal Circuit (No. 18-2098). I am fully familiar with the facts and circumstances of this action.
2. I submit this declaration in support of Kawasaki Rail Car, Inc.'s Bill of Costs, which requests that the Clerk tax \$15,625.56 in costs against plaintiff, Scott Blair, pursuant to Fed. R. Civ. P. Rule 54, Local Rule 54.1, 28 U.S.C. § 1920, and the Court's Opinion and Order dated August 5, 2020 (D.I. 127 at 18), which directed Kawasaki "to present its bill of costs to the Clerk within 30 days of the entry of final judgment by this Court, or, if Blair appeals, within 30 days of the final disposition of Blair's appeal."

3. The Court entered final judgment on August 6, 2020. (D.I. 128).

4. Kawasaki seeks a total of \$15,625.56 in taxable costs, as indicated on the Bill of Costs and further itemized below. I declare that these costs are correct and were necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

5. Plaintiff filed this action on May 5, 2016, asserting a cause of action for alleged patent infringement. (D.I. 1). Kawasaki challenged the validity of the asserted patent claims in IPR2017-00117 and IPR2017-01036, and moved the Court to stay this case pending the outcome of those IPR proceedings. The Court held oral argument on the stay motion on June 5, 2017. At the conclusion of the hearing, Judge Engelmayer orally ruled on the stay motion and granted the stay, indicated that a written order would not follow, and invited the parties to purchase the transcript. A copy of the salient portions from the June 5, 2017 hearing is attached as Exhibit A. Kawasaki ordered the June 5, 2017 hearing transcript in accordance with Judge Engelmayer's directive (*see* Ex. A at 53:3-8). Kawasaki is entitled to this cost in the amount of **\$116.40** as the prevailing party. A true copy of the invoice from the court stenographer, Southern District Reporters PC, is attached as Exhibit B.

6. While this case was stayed, the U.S. Patent Office held that all of the asserted patent claims challenged in IPR2017-00117 and IPR2017-01036 were unpatentable. The Final Written Decisions from IPR2017-00117 and IPR2017-01036 are attached as Exhibits C-D, respectively. Plaintiff appealed the decision in IPR2017-00117, but the U.S. Court of Appeal for the Federal Circuit summarily affirmed. Plaintiff did not appeal the decision in IPR2017-01036.

7. On December 9, 2019, Kawasaki filed a Motion for Judgment on the Pleadings, a Finding of Exceptional Case, and Attorneys' Fees and Costs Pursuant to 35 U.S.C. § 285 and

Fed. R. Civ. P. 54(d), as well as a supporting memorandum and declarations. (D.I. 106-111). Kawasaki's motion, *inter alia*, sought to dismiss this case based on the Final Written Decisions in IPR2017-00117 and IPR2017-01036 finding the asserted patent claims unpatentable as obvious. The Court granted Kawasaki's motion for judgment on the pleadings and dismissed the case on August 5, 2020, and found that Kawasaki is entitled to taxable costs as the prevailing party. (D.I. 127 at 1). The Final Written Decisions that were attached as exhibits L and O to the Declaration of Zaed Billah in support of Kawasaki's motion for judgment on the pleadings (D.I. 108)¹, and which were cited by the Court in its Opinion and Order as the basis for dismissal of this case (*see* D.I. 127 at 8), specifically cite the following deposition transcripts that were necessarily obtained for use in this case pursuant to 28 U.S.C. § 1920(2):

- a. Lowell Malo – Mr. Malo provided an expert declaration in IPR2017-00117. He was deposed on November 28, 2017. In its Final Written Decision, the PTAB considered the issue of whether there was a reasonable expectation of success in combining prior art references. (Ex. C at 28-29). Regarding this issue, the PTAB expressly relied on Mr. Malo's deposition testimony in finding the challenged claims unpatentable as obvious. (*Id.*). Kawasaki is therefore entitled to this cost in the amount of **\$786.45**. A true copy of the invoice from the court stenographer, Veritext Legal Solutions, is attached as Exhibit E.
- b. Joseph P. Zicherman - Mr. Zicherman provided expert declarations on behalf of Mr. Blair in IPR2017-01036. He was deposed on February 28, 2018 and again on April 13, 2018. The transcripts for these two depositions were cited by the PTAB

¹ For convenience, the PTAB Final Written Decisions that were attached as exhibits L and O to the Declaration of Zaed Billah in support of Kawasaki's motion are also attached to this Declaration as Exhibits C-D.

in its Final Written Decision as Exhibits 1035 and 1038. (Ex. D at 19, 22-23, 25-28, 44, 55). As indicated therein, the PTAB relied on Mr. Zicherman's testimony in considering various issues pertaining to whether the challenged claims were unpatentable as obvious. (*Id.*). Kawasaki is entitled to the cost of these transcripts, in the amount of **\$1138.80** for the February 28, 2018 deposition and **\$428.60** for the April 13, 2018 deposition. True copies of the invoices from the court stenographer, Veritext Legal Solutions, are attached as Exhibits F-G.

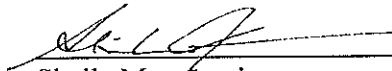
8. Kawasaki is also entitled to \$13,155.31 as “costs of making copies of any materials where the copies are necessarily obtained for use in the case” pursuant to 28 U.S.C. § 1920(4). Attached as Exhibits H-I are two invoices in Japanese (along with their certified English translations) that were billed directly to Kawasaki's corporate parent, Kawasaki Heavy Industries, Ltd., by FRONTEO, Inc. (“FRONTEO”). FRONTEO is a vendor that provides discovery services, including document copying and scanning, production, e-discovery, and other related services. Kawasaki seeks a portion of the invoiced amounts (for items designated as “documents scanning” and “production”) which relate to costs incurred for the production of documents that the Court ordered the parties to complete when the Court granted the stay motion. (Ex. A at 57:10-11). These scanning and production costs were incurred in response to Blair’s document requests (attached as Exhibits J-K), which specifically requested an electronic production. The scanned documents were produced to plaintiff as KAWASAKI_003384 through KAWASAKI_041478. The amounts invoiced by FRONTEO were converted from Japanese yen to U.S. dollars using the applicable exchange rate for each of the invoiced dates, attached as Exhibit L. The total amount sought for this category for is **\$13,155.31**, which includes:

- a. **\$1616.73** for electronic production costs (the equivalent of 176,547 ¥ indicated on the August 10, 2017 invoice using a 109.2 ¥/\$ exchange rate);
and
- b. **\$11,538.58** for document scanning costs. The total scanning costs were \$31,073.76, including 1,366,120 ¥ (\$12,510.26 using a 109.2 ¥/\$ exchange rate) on the July 6, 2017 invoice and 2,101,759 ¥ (\$18,563.50 using a 113.22 ¥/\$ exchange rate) on the August 10, 2017 invoice. Because not all of the pages that were scanned by FRONTEO were produced, Kawasaki has prorated the scanning costs, and seeks only the amount associated with documents actually produced: of the 102,591 pages scanned, 38,095 pages (or approximately 37.13%) were produced.

9. It is respectfully requested that the Clerk issue an Order granting Kawasaki's requested costs in the amount of \$15,625.56.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2020


Sheila Mortazavi

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Armin Ghiam

Exhibit B

Invoice**SOUTHERN DISTRICT REPORTERS PC**

Tax ID No. 13-2775946

500 Pearl St.
 Room 330
 New York, NY 10007
 Tel No. (212) 805-0300

Andrews & Kurth LLP
 1801 Page Mill Rd
 Suite 210
 Alto, CA 94304
 Attention: Liberty Quan

INVOICE NO.: 0484741-IN
 INVOICE DATE: 06/23/17

CUSTOMER NO.: 1026115
 WORK ORDER NO.: 180062
 SALESPERSON: CSIW

PAYMENT IS DUE UPON RECEIPT

JOB DATE SCOTT BLAIR V ALSTOM, ET AL.
 CASE NO. 16CV03391

6/5/2017 Original 60.00 Pages at \$1.94 116.40

PAID

CK. NO. Amex
 DATE 6/23/17

Net Invoice: 116.40
 Less Discount: 0.00
 Freight: 0.00
 Sales Tax: 0.00
 Invoice Total: 116.40

**WE ACCEPT VISA, MASTERCARD, AMERICAN EXPRESS AND DISCOVER
 PLEASE MAKE CHECK PAYABLE TO SOUTHERN DISTRICT REPORTERS PC**

Less Deposit: 116.40
 Invoice Balance: 0.00

Exhibit E

**Veritext Corp
New York Region**

330 Old Country Rd., Suite 300
Mineola NY 11501
Tel. (516) 608-2400 Fax. (516) 608-2450
Fed. Tax ID: 20-3132569



Bill To: Zaed M. Billah, Esq.
Andrews Kurth, LLP
1 Broadway
New York, NY, 10004

Invoice #: NY3175500
Invoice Date: 12/6/2017
Balance Due: \$2,269.75

Ok + pay
Zaed Billah, 12/19/17
Zaed Billah

Case: Kawasaki Rail Car, Inc. v. Scott Blair
Job #: 2761960 | **Job Date:** 11/28/2017 | **Delivery:** Normal
Billing Atty: Zaed M. Billah, Esq.
Location: Andrews Kurth LLP
One Broadway | Battery Park - 10th Floor | New York, NY 10004
Sched Atty: Darius Keyhani, Esq. | Meredith & Keyhani, PLLC

Total + Bill 256019-
\$ 1,515.95
Total + Bill 264805
\$ 753.80

Witness	Description	Amount
Lowell Malo, (00117) 256019	Transcript Services	\$786.45
	Exhibit Management	\$141.00
	Realtime Services	\$344.25
	Rough Draft	\$229.50
Lowell Malo, (01036) 264805	Transcript Services	\$363.30
	Exhibit Management	\$143.25
	Realtime Services	\$139.50
	Rough Draft	\$93.00
	Delivery and Handling	\$29.50
Notes:		
		Invoice Total: \$2,269.75
		Payment: \$0.00
		Credit: \$0.00
		Interest: \$0.00
		Balance Due: \$2,269.75

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

To pay online, go to
www.veritext.com

Veritext accepts all major credit cards
(American Express, Mastercard, Visa, Discover)

Please remit payment to:
Veritext
P.O. Box 71303
Chicago IL 60694-1303

Invoice #: NY3175500
Job #: 2761960
Invoice Date: 12/6/2017
Balance: \$2,269.75

Not allowed
8.0
10/20/17 W. 9th
06/20/2017

Exhibit F

Veritext Corp
New York Region

330 Old Country Rd., Suite 300
 Mineola NY 11501
 Tel. (516) 608-2400 Fax. (516) 608-2450
 Fed. Tax ID: 20-3132569



Bill To: Armin Ghiam Esq.
 Andrews Kurth, LLP
 1 Broadway
 New York, NY, 10004

Invoice #: NY3272781
Invoice Date: 3/13/2018
Balance Due: \$2,430.37

Case: Kawasaki Rail Car, Inc. v. Scott Blair
Job #: 2826365 | Job Date: 2/28/2018 | Delivery: Normal
Billing Atty: Armin Ghiam Esq.
Location: Meredith & Keyhanl
 205 Main Street | East Aurora, NY 14052
Sched Atty: | Andrews Kurth, LLP

Witness	Description	Amount
Joseph B. Zicherman	Transcript Services	\$1,138.80
	Professional Attendance	\$170.00
	Exhibit Management	\$270.35
	Realtime Services	\$441.00
	Rough Draft	\$294.00
	Expenses	\$64.20
	Delivery and Handling	\$52.02
Notes: Mileage Billed at Cost		
		Invoice Total \$2,430.37
		Payment \$0.00
		Credit \$0.00
		Interest \$0.00
		Balance Due \$2,430.37

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

*NOT ALLOWED
 @ O
 Agree with
 objections*

To pay online, go to
www.veritext.com

Veritext accepts all major credit cards
 (American Express, Mastercard, Visa, Discover)

Please remit payment to:
Veritext
P.O. Box 71303
Chicago IL 60694-1303

Invoice #: NY3272781
Job #: 2826365
Invoice Date: 3/13/2018
Balance: \$2,430.37

Exhibit G

Matter: 264805**Veritext Corp
New York Region**330 Old Country Rd., Suite 300
Mineola NY 11501
Tel. (516) 608-2400 Fax. (516) 608-2450
Fed. Tax ID: 20-3132569**Bill To:** Zaed M. Billah Esq.
Andrews Kurth, LLP
1 Broadway
New York, NY, 10004**Invoice #:** NY3318560
Invoice Date: 4/23/2018
Balance Due: \$1,291.12**Case:** Kawasaki Rail Car, Inc. v. Scott Blair
Job #: 2876230 | **Job Date:** 4/13/2018 | **Delivery:** Expedited
Billing Atty: Zaed M. Billah Esq.
Location: Meredith & Keyhani
205 Main Street | East Aurora, NY 14052
Sched Atty: Zaed M. Billah Esq. | Andrews Kurth, LLP

Siz:
Please proceed
for Zaed
Billah client matter
264805
Ant you - andy

Witness	Description	Amount
Joseph B. Zicherman	Transcript Services	\$428.60
	Transcript - Expedited Fee	\$262.88
	Professional Attendance	\$85.00
	Exhibit Management	\$165.75
	Realtime Services	\$139.50
	Rough Draft	\$93.00
	Expenses	\$64.20
	Delivery and Handling	\$52.19
Notes:		Invoice Total: \$1,291.12 Payment: \$0.00 Credit: \$0.00 Interest: \$0.00 Balance Due: \$1,291.12
TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult http://www.veritext.com/services/all-services/services-information		

[Signature]

*NOT ALLOWABLE
 \$0
 Agree with
 OBJECTIONS*

**To pay online, go to
www.veritext.com**Veritext accepts all major credit cards
(American Express, Mastercard, Visa, Discover)**Please remit payment to:**
Veritext
P.O. Box 71303
Chicago IL 60694-1303**Invoice #:** NY3318560
Job #: 2876230
Invoice Date: 4/23/2018
Balance: \$1,291.12

Exhibit H

請求書

発行日	2017/07/06
請求書番号	005-010-2017-0504

※株式会社UBICは、7月1日付で
「株式会社FRONTEO」に社名を変更いたしました。

川崎重工業株式会社

御中

下記の通り、ご請求申し上げます。

単位:円

合計	5,099,023
----	-----------

* 振込手数料はお客様のご負担でお願い致します。

御支払期日	2017/08/31
振込口座	三菱東京UFJ銀行 品川駅前支店 普通2034628
口座名	株式会社FRONTEO フリガナ かのんてい

件名	2017年6月度
case #	S1704014
御見積書番号	005-009-2017-0431



株式会社FRONTEO
(旧社名: 株式会社UBIC)

〒108-0075

東京都港区港南2-12-23
明産高浜ビル7F

TEL: 03-5463-7577 FAX: 03-5463-7578

発行者: 増井 怜美

作業完了日	内容	価格	摘要
	コンサルティング		
	データ保全		
	データプロセス		
2017/06/30	データホスティング	1,569,050	
	プロダクション		
	翻訳		
2017/06/30	ドキュメントスキャン	1,366,120	
2017/06/30	ドキュメントレビュー	1,571,500	
2017/06/29	その他	97,500	
小計		4,604,170	
消費税		368,333	

発生日	経費項目	金額	摘要
2017/06/16	運送費	93,068	紙資料ダンボール24箱
2017/06/22	運送費	33,452	紙資料ダンボール8箱
小計		126,520	

備考

--

Invoice

Date of Issue	July 06, 2017
Invoice number	005-010-2017-0504

* On July 1, UBIC KK changed its company name to "FRONTEO KK"

To: Kawasaki Heavy Industries, Ltd.

Your invoice is as follows.

Unit: Yen

Total	5,099,023
--------------	------------------

* Bank transfer fees are to be covered by the client.

[Signatory Seal]

FRONTEO KK

(Former company name: UBIC KK)

ZIP: 108-0075

Meisan Takahama Building 7F

2-12-23 Konan, Minato-ku, Tokyo-to

TEL: 03-5463-7577 FAX: 03-5463-7578

Issuer: Tomomi Masui

Payment due date	August 31, 2017
Bank account	MUFG Bank, LTD., Shinagawa-Ekimae Branch, Saving account:2034628
Account name	FRONTEO Inc. Katakana notation: ka) furonteo

Subject	June 2017
Case #	S1704014
Quote number	005-009-2017-0431

Work completion date	Particulars	Price	Remarks
	Consulting		
	Data safety		
	Data processing		
June 30, 2017	Data hosting	1,569,050	
	Production		
	Translation		
June 30, 2017	Document scanning	1,366,120	\$12,510.26 - See Mortazavi Decl. para. 8(b)
June 30, 2017	Document review	1,571,500	
June 29, 2017	Other	97,500	
Subtotal		4,604,170	
Consumption tax		368,333	

Effective date	Expense item	Amount	Remarks
June 16, 2017	Freight	93,068	Paper material, 24 cardboard boxes
June 22, 2017	Freight	33,452	Paper material, 8 cardboard boxes
Subtotal		126,520	

Notes



1001 Fourth Ave., Suite 3200 mail@PatentTranslations.com
Seattle, WA 98154, U.S.A. www.PatentTranslations.com
Fax: 206-382-9648 Phone: 206-684-9312

VERIFICATION AND CERTIFICATION OF TRANSLATION

Document translated: Invoice (June 2017_S1704014) Kawasaki Heavy Industries, Ltd.

This is to certify that the document mentioned above was translated into English by Patent Translations Inc., and represents an accurate and faithful rendition of the original text to the best of my knowledge and belief.

Martin Cross
President, Patent Translations Inc.
12/6/2019

Exhibit I

請求書

発行日	2017/08/10
請求書番号	005-010-2017-0737

※株式会社UBICは、7月1日付で
「株式会社FRONTEO」に社名を変更いたしました。

川崎重工業株式会社

御中

下記の通り、ご請求申し上げます。

単位:円

合計	10,503,564
----	------------

* 振込手数料はお客様のご負担をお願い致します。

御支払期日	2017/09/30
振込口座	三菱東京UFJ銀行 品川駅前支店 普通2034628
口座名	株式会社FRONTEO フリガナ カ)フロント

件名	2017年7月度
case#	S1704014
御見積書番号	005-009-2017-0538



株式会社FRONTEO
(旧社名: 株式会社UBIC)

〒108-0075

東京都港区港南2-12-23

明産高浜ビル7F

TEL: 03-5463-7577 FAX: 03-5463-7578

発行者: 増井 伶美

作業完了日	内容	価格	摘要
	コンサルティング		
2017/07/21	データ保全	168,500	
	データプロセス		
2017/07/31	データホスティング	1,663,600	
2017/07/29	プロダクション	176,547	
	翻訳		
2017/07/26	ドキュメントスキャン	2,101,759	
2017/07/19	ドキュメントレビュー	4,830,000	
2017/07/30	その他	615,000	
小計		9,555,406	
消費税		764,432	

発生日	経費項目	金額	摘要
	実質経費	183,726	※別紙参照
小計		183,726	

備考

Invoice

Date of Issue	August 10, 2017
Invoice number	005-010-2017-0737

* On July 1, UBIC KK changed its company name to "FRONTEO KK"

To: Kawasaki Heavy Industries, Ltd.

Your invoice is as follows.

Unit: Yen

Total	10,503,564
--------------	-------------------

* Bank transfer fees are to be covered by the client.

[Signatory Seal]

FRONTEO KK

(Former company name: UBIC KK)

ZIP: 108-0075

Meisan Takahama Building 7F

2-12-23 Konan, Minato-ku, Tokyo-to

TEL: 03-5463-7577 FAX: 03-5463-7578

Issuer: Tomomi Masui

Payment due date	September 30, 2017
Bank account	MUFG Bank, LTD., Shinagawa-Ekimae Branch, Savings account: 2034628
Account name	FRONTEO Inc. Katakana notation: ka) furonteo

Subject	July 2017
Case #	S1704014
Quote number	005-009-2017-0538

Work completion date	Particulars	Price	Remarks
	Consulting		
July 21, 2017	Data safety	168,500	
	Data processing		
July 31, 2017	Data hosting	1,663,600	
July 29, 2017	Production	176,547	\$1,616.73 - See Mortazavi Decl. para. 8(a)
	Translation		
July 26, 2017	Document scanning	2,101,759	\$18,563.50 - See Mortazavi Decl. para. 8(b)
July 19, 2017	Document review	4,830,000	
July 30, 2017	Other	615,000	
	Subtotal	9,555,406	
	Consumption tax	764,432	

Effective date	Expense item	Amount	Remarks
	Actual costs	183,726	*See attachment
	Subtotal	183,726	

Notes

* Attachment

Expense breakdown: Case# S1704014

Date	For	Amount	Notes
July 10, 2017	Freight	¥126,520	Binder
July 20, 2017	Taxi	¥410	FRONTEO → Shinagawa
July 20, 2017	Train	¥14,990	Shinagawa → Hyogo
July 20, 2017	Accommodation fee	¥4,400	Kobe Luminous Hotel
July 21, 2017	Taxi	¥760	Client → Hyogo
July 21, 2017	Train	¥15,190	Hyogo → Shinagawa
July 21, 2017	Taxi	¥410	Shinagawa → FRONTED
July 20 and 21, 2017	Daily allowance	¥5,600	For 2 days
July 25, 2017	Freight	¥3,183	FedEx
July 26, 2017	Freight	¥12,263	FedEx
	Total	¥183,726	



1001 Fourth Ave., Suite 3200 mail@PatentTranslations.com
Seattle, WA 98154, U.S.A. www.PatentTranslations.com
Fax: 206-382-9648 Phone: 206-684-9312

VERIFICATION AND CERTIFICATION OF TRANSLATION

Document translated: Invoice (July 2017_S1704014) Kawasaki Heavy Industries, Ltd.

This is to certify that the document mentioned above was translated into English by Patent Translations Inc., and represents an accurate and faithful rendition of the original text to the best of my knowledge and belief.

Martin Cross
President, Patent Translations Inc.
12/6/2019

Exhibit L

FIFW MSGA

Document screenshot_1575935817022.gif upload complete. FILE<GO> to view. MSGA<GO>

Actions		Currency Rates Matrix	
Basket	Major	<input checked="" type="radio"/> Last Price	Rate Spot
Source	BGN	<input type="radio"/> % Change	<input checked="" type="radio"/> Outrights <input type="radio"/> Points
		Date 07/06/17	
		<input checked="" type="checkbox"/> Heat Map	

☒ 1) Spot
 ☒ 1) Forward
 ☐ 1) Fixing

	USD	EUR	JPY	GBP	CHF	CAD	AUD	NZD	HKD	NOK	SEK
SEK	8.4423	9.6434	.07456	10.950	8.7900	6.5052	6.4046	6.1421	1.0809	1.0109	
NOK	8.3513	9.5394	.07376	10.832	8.6953	6.4351	6.3356	6.0759	1.0692		.98922
HKD	7.8105	8.9217	.06898	10.131	8.1322	6.0184	5.9253	5.6825		.93525	.92516
NZD	1.3745	1.5700	.01214	1.7828	1.4311	1.0591	1.0427		.17598	.16458	.16281
AUD	1.3182	1.5057	.01164	1.7098	1.3725	1.0157		.95902	.16877	.15784	.15614
CAD	1.2978	1.4824	.01146	1.6833	1.3512		.98453	.94419	.16616	.15540	.15372
CHF	.96045	1.0971	.00848	1.2458		.74007	.72862	.69876	.12297	.11501	.11377
GBP	.77096	.88064	.00681		.80271	.59406	.58487	.56090	.09871	.09232	.09132
JPY	113.22	129.33		146.86	117.88	87.243	85.894	82.374	14.496	13.557	13.411
EUR	.87545		.00773	1.1355	.91151	.67458	.66415	.63693	.11209	.10483	.10370
USD		1.1423	.00883	1.2971	1.0412	.77055	.75863	.72754	.12803	.11974	.11845

% Change on Day Range

Below -2.5% -0.5% to -2.5% -0.05% to -0.05% to 0.05% 0.05% to 0.5% 0.5% to 2.5% Above 2.5%

Rates are from Composite where Bloomberg BGN is not available.

SN 541468 EST GMT-5:00 0819-3073-0 09-Dec-2019 18:57:13

Document screenshot_1575935771496.gif upload complete. FILE<GO> to view. MSGA<GO>

Actions		Currency Rates Matrix	
Basket	Majors	<input checked="" type="radio"/> Last Price	Rate Spot
Source	BGN	<input type="radio"/> % Change	<input checked="" type="radio"/> Outrights <input type="radio"/> Points
		Date 08/10/17	
		<input checked="" type="checkbox"/> Heat Map	

	10 Spot	11 Forward	12 Fixing									
	USD	EUR	JPY	GBP	CHF	CAD	AUD	NZD	HKD	NOK	SEK	
SEK	8.1352	9.5768	.07450	10.557	8.4515	6.3836	6.4067	5.9184	1.0406	1.0232		
NOK	7.9508	9.3597	.07281	10.317	8.2600	6.2389	6.2615	5.7842	1.0170			.97733
HKD	7.8176	9.2030	.07159	10.145	8.1216	6.1344	6.1566	5.6873		.98325		.96096
NZD	1.3746	1.6182	.01259	1.7837	1.4280	1.0786	1.0825		.17583	.17288		.16897
AUD	1.2698	1.4948	.01163	1.6478	1.3192	.99640		.92378	.16243	.15971		.15609
CAD	1.2744	1.5002	.01167	1.6537	1.3239		1.0036	.92712	.16301	.16028		.15665
CHF	.96257	1.1331	.00881	1.2491		.75532	.75805	.70027	.12313	.12107		.11832
GBP	.77062	.90719	.00706		.80059	.60470	.60689	.56063	.09858	.09692		.09473
JPY	109.20	128.56		141.71	113.45	85.692	86.001	79.446	13.969	13.735		13.424
EUR	.84947		.00778	1.1023	.88250	.66657	.66898	.61799	.10866	.10684		.10442
USD		1.1772	.00916	1.2977	1.0389	.78469	.78753	.72750	.12792	.12577		.12292

% Change on Day Range

Below -2.5% -0.5% to -2.5% -0.05% to -0.05% to 0.05% to 0.05% to 0.5% 0.5% to 2.5% Above 2.5%

Rates are from Composite where Bloomberg BGN is not available.

SN 541468 EST GMT-5:00 0819-3073-0 09-Dec-2019 18:56:32

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

Plaintiff,

v.

ALSTOM TRANSPORTATION, INC. and
KAWASAKI RAIL CAR, INC.,

Defendants.

C.A. No. 1:16-cv-03391-PAE-JLC

DEFENDANT KAWASAKI RAIL CAR, INC.'S
NOTICE OF APPLICATION FOR COSTS AGAINST PLAINTIFF

PLEASE TAKE NOTICE that, upon Defendant's Bill of Costs, the Declaration of Sheila Mortazavi dated September 8, 2020, and the exhibits annexed thereto, and all other pleadings and proceedings herein, Defendant will move this Court before the Orders and Judgment Clerk, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, Room 250, New York, NY 10007 on September 25, 2020 at 11:30 A.M. or, as soon thereafter as counsel may be heard, at a time and date to be determined as convenient for the Court, for an order pursuant to Rule 54 of the Federal Rules of Civil Procedure, Local Civil Rule 54.1, and 28 U.S.C. § 1920, granting fees and costs sought by Defendant and granting such other relief that this Court deems proper.

Dated: September 9, 2020

Respectfully submitted,

/s/ Armin Ghiam

Sheila Mortazavi

Zaed M. Billah

Armin Ghiam

HUNTON ANDREWS KURTH LLP

200 Park Avenue

New York, NY 10166

Telephone: (212) 309-1000

Facsimile: (212) 309-1100

Attorneys for Defendant

Kawasaki Rail Car Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Armin Ghiam

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

Plaintiff,

v.

ALSTOM TRANSPORTATION, INC.
AND KAWASAKI RAIL CAR, INC.,

Defendants.

Case No. 1:16-cv-03391-PAE

**PLAINTIFF'S OBJECTIONS TO DEFENDANT KAWASAKI RAIL CAR, INC.'S BILL
OF COSTS**

Defendant Kawasaki Railcar, Inc. ("Defendant") seeks to recover \$15,625.56 in costs from Plaintiff Scott Blair ("Plaintiff") following entry of judgment in this case (Dkt. #131). Plaintiff objects to Defendant's requests to the extent they impermissibly include costs for deposition transcripts from *inter partes* review proceedings before the Patent Trial and Appeal Board. Accordingly, Plaintiff respectfully requests that the Court deny Defendant's request for \$2353.85, the cost of these transcripts (Dkt. #132, at 3-4).¹

This Court and others have held that costs from IPR proceedings are not taxable by the Clerk. *See, e.g., Hockeyline, Inc. v. STATS LLC*, No. 13-CV-1446, 2017 WL 1743022, at *8-9 (S.D.N.Y. Apr. 27, 2017); *Credit Acceptance Corp. v. Westlake Servs., LLC*, No. CV 13-01523 SJO, 2016 U.S. Dist. LEXIS 181618, at *11 (C.D. Cal. Jan. 5, 2016); *Clearlamp, LLC v. LKQ Corp.*, No. 12 Civ. 2533, 2016 WL 7013478, at *1 (N.D. Ill. Nov. 30, 2016). In *Hockeyline*, this Court denied the prevailing party's request for costs incurred in connection with the IPR review.

¹ Defendant seeks \$786.45 for the deposition transcript of Lowell Malo, and \$1138.80 and \$428.60 for deposition transcripts of Joseph Zicherman (Dkt. #132, at 3-4).

2017 WL 1743022, at *8-9. In holding that fees paid in connection with IPRs are not taxable, the Court rejected the prevailing party's assertion that the litigation had "shifted" to the PTAB and the IPR was a "substitute for the district court proceeding." *Id.* at *8. As the Court explained:

The Court disagrees that the litigation "shifted" to PTAB; PTAB merely determined the validity of Hockeyline's patent, and this Court remained the adjudicator of the infringement suit. Moreover, "absent explicit statutory or contractual authorization for the taxation of the [litigant's expenses] as costs, federal courts are bound by the limitations set out in [28 U.S.C. § 1920]." *Crawford Fitting Co. v. J. T. Gibbons, Inc.*, 482 U.S. 437, 445 (1987).

Id. Local Rule Civil Rule 54.1(c) further limits costs for depositions to those "used or received in evidence at the trial" or "used by **the Court** in ruling on a motion for summary judgment or other dispositive substantive motion." *Ramos v. City of N.Y.*, No. 15 CIV. 6085, 2019 WL 3254964, at *2 (S.D.N.Y. July 21, 2019) (emphasis added).

Defendant's request to recover \$2353.85 for the cost of deposition transcripts used solely in the IPR proceedings is improper. These transcripts were never used in any proceeding in this Court, nor were they used by the Court in any ruling on any motion. *See id.* The deposition transcripts all relate specifically to the IPR proceedings and are, e.g., directed to standards (the "broadest reasonable interpretation" standard for claim construction and invalidation by a preponderance of the evidence) unique to the IPR context and inapplicable to the district court litigation. Further, as in *Hockeyline*, the litigation never "shifted" to the PTAB nor was the IPR a "substitute for the district court proceeding"; rather, the "PTAB merely determined the validity of [Plaintiff's] patent, and this Court remained the adjudicator of the infringement suit." 2017 WL 1743022, at *8. Defendant's assertion that the transcripts were "necessarily obtained for use in this case pursuant to 28 U.S.C. § 1920(2)" is without merit.

For these reasons, Plaintiff asks that the Court deny Defendant's request for \$2353.85 relating to the IPR proceedings.

Dated: September 18, 2020

Respectfully submitted,

s/ Dariush Keyhani

Dariush Keyhani

Keyhani LLC

1050 30th Street NW

Washington, DC 20007

Telephone: (202) 748-8950

Fax: (202) 318-8958

dkeyhani@keyhanillc.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that Plaintiff's Objections to Defendant Kawasaki Rail Car, Inc.'s Bill of Costs was electronically filed on this September 18, 2020. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's electronic filing system and the parties may access this filing through the Court's system.

/s/Anya Engel
Anya Engel